

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

vs.

CASE NO. 3:00CR00043-38(PG)

MIGUEL ANGEL ROURA-ORTIZ

**MOTION NOTIFYING VIOLATIONS
OF THE SUPERVISED RELEASE TERM AND
REQUESTING THE ISSUANCE OF A WARRANT**

TO THE HONORABLE JUAN M. PEREZ-GIMENEZ
SENIOR U.S. DISTRICT JUDGE
DISTRICT OF PUERTO RICO

COMES NOW, Yarixa Vázquez Marcano, U.S. Probation Officer of this Court, presenting an official report on the conduct and attitude of releasee, who on November 8, 2004, was sentenced to eighteen (18) months of imprisonment to be followed by a one (1) year supervised release term after his original supervision term imposed on October 24, 2002, was revoked. As special conditions of the supervision term, he was ordered to submit to urinalyses and participate in a substance abuse treatment program if such samples detect substance abuse and to submit his person, residence, office or vehicle to a search. On July 8, 2005, the offender was released from custody at which time his supervised release term commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS
FOLLOWS:**

The offender has violated the following supervision conditions since his release:

1. VIOLATION OF SUPERVISED RELEASE CONDITION NUMBER THREE (3)-

“The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.”

On October 11 and November 27, 2006, Mr. Roura-Ortiz failed to report to outpatient treatment as instructed by this officer. In addition, the offender failed to report to the office on November 14, 2006.

2. VIOLATION OF SUPERVISED RELEASE CONDITION NUMBER SEVEN (7) -

“The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.”

On December 12, 2006, during a community contact, Mr. Roura-Ortiz admitted that he was using heroin. On December 19, 2006, a urine sample was collected at the community, the same reflected positive results to heroin and cocaine use. The offender admitted the use of these substances. On January 12, 2007, a call was received from Hogar Santísima Trinidad, an in-patient treatment program, reporting that the offender tested positive to cocaine, heroin, and benzodiazepines. They also reported that the offender admitted that he brought the drug from his home.

2. VIOLATION OF SPECIAL CONDITION - “If any drug test sample detects substance abuse, the defendant shall participate in a substance abuse treatment program arranged and approved by the probation officer until duly

discharged by authorized program personnel with the approval of the U.S. Probation Officer.”

On January 16, 2007, a call was received from in-patient treatment program, Hogar Santísima Trinidad, reporting that the offender left the program on Saturday, January 13, 2007, without authorization. As of the filing of this motion, the offender's whereabouts are unknown.

WHEREFORE, I declare under penalty of perjury, that the above-mentioned is true and correct. In view that the offender has violated his conditions of release, it is respectfully requested that a warrant of arrest be issued so that he may be brought before this Honorable Court to show cause why his supervision term should not be revoked. Thereupon, he to be dealt with pursuant to law. The tolling of the supervision term is also recommended.

In San Juan, Puerto Rico, this 17th day of January 2007.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

s/Yarixa Vázquez-Marcano
Yarixa Vázquez-Marcano
U.S. Probation Officer
Federal Office Bldg. Room 400
150 Chardon Avenue
San Juan, P.R. 00918-1741
Tel. 787-766-5920
Fax 787-771-4063
Email: yarixa_vazquez@prp.uscourts.gov

CERTIFICATE OF SERVICE

I HEREBY certify that on November 17, 2007, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: José Ruíz, Assistant U.S. Attorney and Francisco Válcarcel, Assistant Federal Public Defender.

In San Juan, Puerto Rico, this 17th day of November 2007.

s/Yarixa Vázquez-Marcano
Yarixa Vázquez-Marcano
U.S. Probation Officer
Federal Office Bldg. Room 400
150 Chardon Avenue
San Juan, P.R. 00918-1741
Tel. 787-766-5920
Fax 787-771-4063
Email: yarixa_vazquez@prp.uscourts.gov